

AMENDED IN SENATE MAY 28, 2010

AMENDED IN SENATE APRIL 27, 2010

SENATE BILL

No. 1085

Introduced by Senator Runner
(Coauthor: Assembly Member Knight)

February 17, 2010

An act to amend Section 19418 of the Business and Professions Code, and to add Article 3.8 (commencing with Section 4171) to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural Code, relating to district agricultural associations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, as amended, Runner. 50th District Agricultural Association: Antelope Valley Fair: lease.

Existing law divides the state into agricultural districts within the boundaries of which agricultural associations may be formed. Existing law provides that District 50 is all that portion of Los Angeles County which lies north of the south line of Township 5 North, San Bernardino base.

This bill would permit a nonprofit organization to hold an annual fair in lieu of the annual fair held by the 50th District Agricultural Association, with the consent of the Secretary of Food and Agriculture. The bill would permit the Director of General Services, with the consent of, and on terms approved by, the secretary, to lease to the nonprofit organization, ~~for less than~~ *the fair* market value, the premises known as the Antelope Valley Fair for a period not to exceed 99 years. During the period that the lease is in effect, the 50th District Agricultural Association would be required to be inactive and not have any powers or duties. The bill would permit employees of the 50th District

Agricultural Association to make an election concerning employment with the nonprofit lessee of those premises, as provided. The bill would also provide that the nonprofit organization may elect to be a member of the network of California fairs on terms and conditions mutually agreed upon by the Department of Food and Agriculture and the nonprofit organization.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19418 of the Business and Professions
2 Code is amended to read:

3 19418. (a) “State designated fairs,” referred to in this chapter
4 as fairs, means the California Exposition and State Fair in the City
5 of Sacramento and those fairs specified in Sections 19418.1,
6 19418.2, and 19418.3 that may receive financial support or are
7 otherwise governed pursuant to this chapter. These fairs may also
8 be referred to as part of the “network of California fairs.”

9 (b) A nonprofit organization that holds an annual fair pursuant
10 to Section 4163 or 4171 of the Food and Agricultural Code may
11 elect to be a member of the network of California fairs on terms
12 and conditions mutually agreed upon by the Department of Food
13 and Agriculture and the nonprofit organization.

14 SEC. 2. Article 3.8 (commencing with Section 4171) is added
15 to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural
16 Code, to read:

17
18 Article 3.8. 50th District Agricultural Association
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20 4171. (a) With the consent of the secretary, a nonprofit
21 organization may hold an annual fair in lieu of the annual fair held
22 by the 50th District Agricultural Association.

23 (b) Notwithstanding any other provision of law, the department
24 may enter into contracts with the nonprofit organization referred
25 to in subdivision (a) for the receipt of public funds.

26 (c) Notwithstanding any other provision of law, the Director of
27 General Services, with the consent of, and on terms approved by,
28 the secretary, may lease certain premises commonly known as the
29 Antelope Valley Fair, containing approximately 135 acres situated

1 in the County of Los Angeles and the City of Lancaster, to the
2 nonprofit organization referred to in subdivision (a) for a period
3 not to exceed 99 years, to hold an annual fair pursuant to
4 subdivision (a). While the lease is in effect, the 50th District
5 Agricultural Association shall be inactive, and shall not have any
6 powers or duties.

7 (d) The lease executed pursuant to this section ~~may be for less~~
8 ~~than the~~ *shall be for the fair* market value of the property, and shall
9 include a provision that the lease may be canceled if the lessee or
10 its successor or assignee fails to hold an annual fair.

11 (e) Prior to the commencement of the term of the lease, the
12 lessee and the department shall ensure that every employee in the
13 civil service of the 50th District Agricultural Association is
14 provided with the option of continuing his or her employment with
15 the state, or of accepting a position as an employee of the lessee.

16 (1) With respect to an employee who chooses to continue his
17 or her employment with the state, the employee shall continue to
18 be subject to all of the provisions governing civil service
19 employees, and additionally, all of the following shall apply:

20 (A) The lessee shall contract with the department for the services
21 of the employee, consistent with his or her civil service
22 classification and status.

23 (B) The employee has the right to continue to provide services
24 to the lessee pursuant to that contract during the time the employee
25 continues in the civil service classification he or she held at the
26 time of the employee's election.

27 (2) With respect to an employee who chooses to leave his or
28 her employment with the state and become an employee of the
29 lessee, those employees are not employees of the state, and are not
30 subject to the requirements of Chapter 10.3 (commencing with
31 Section 3512) and Chapter 10.5 (commencing with Section 3525)
32 of Division 4 of Title 1 of the Government Code.

33 (3) If a position filled by a civil service employee pursuant to
34 contract with the department becomes vacant, the lessee may fill
35 the position with a non-civil-service employee.

36 (f) The State of California is not liable for any debts, liabilities,
37 settlements, liens, or any other obligations incurred by or imposed
38 upon the nonprofit organization referred to in subdivision (a). The
39 lease executed pursuant to this section shall expressly provide that
40 the General Fund and the Fair and Exposition Fund shall be held

1 harmless from all debts, liabilities, settlements, judgments, or liens
2 incurred by the nonprofit organization, and that neither the state
3 nor any agency or division thereof shall be liable for any contract,
4 tort, action or inaction, error in judgment, mistake, or other act
5 taken by the nonprofit organization, or any of its employees, agents,
6 servants, invitees, guests, or anyone acting in concert with, or on
7 the behalf of, the nonprofit organization.

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